ner's Docket No. 98-rCLU-363

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TULIN K. HIDAYETOGLU

Parent Application No.: 09/604,218

Group No.:

1762

Parent Filing Date:

6/27/2000

Examiner:

E. TSOY

For:

FUNCTIONALLY GRADED FRICTION MATERIAL

**Assistant Commissioner for Patents** 

Washington, D.C. 20231

REQUEST FOR CONTINUED EXAMINATION (RCE) (37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

WARNING:

35 U.S.C. 132(b) and Section 1.114 provide for the continued examination of an application and not examination of a continuing application). Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

WARNING:

A continued examination request cannot be made if at least one office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 C.F.R. 1.114 also do not

### CERTIFICATION UNDER 37 C.F.R. SECTIONS 4.8(a) AND 1.10

(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

### MAILING

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, į į Washington, D.C. 20231.

# 37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10

with sufficient postage as first class mail. [X]as "Express Mail Post Office to Addressee". Mailing Label No. EK762665185US

### TRANSMISSION

[ ] facsimile transmitted to the Patent and Trademark Office (703)

Date: .

01/14/2003 MGEBREM1 00000118 050275 09604218

750.00 CH

(Request for Continued Examination (RCE))--page 1 of 6)

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apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination; or (4) an application for a design patent. 37 C.F.R. Section 1.114(d).

NOTE: There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

NOTE: Unlike a continuation application, a continued examination request **can** utilize the mailing procedure of 37 C.F.R. 1.8. See 37 C.F.R. Section 1.8(a)(2)(i)(A).

# TIME REQUEST IS BEING MADE

2. Th	is reque	st is bein	g submitted (check appropriate item(s) below):
	i.	[X]	Prior to abandonment of the application
	ii.	[ ]	Payment of the issue fee  [ ] Prior to payment of issue fee  [ ] Issue fee has been paid but a petition under Section 1.313 has been granted
	iii.	[ ]	Prior to a decision on appeal to the Board of Patent Appeals & Interferences  [ ] A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed
NOTE:			not sent to the Board, they may refuse to vacate a decision rendered after the filing of the RCE but by the Office of the RCE request under Section 1.114.
	iv.	[]	Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or [ ]Commencement of a civil action under 35 U.S.C. 146 [ ] Prior to the filing of such appeal or commencement of civil action [ ] Such appeal or commencement of civil action has been terminated
			ENCLOSURES
3. En	closed h	erewith	is/are:
WARNI	'NG:		o a final or non-final Office action under 35 U.S.C. 132 is outstanding, the submission must meet requirements of Section 1.111. 37 C.F.R. Section 1.114(b).
	[ ]	An info	ormation disclosure (37 C.F.R. Section 1.98) — Supplemental Form PTO-1449 (PTO/SB/08A and 08B)
	[X]	A Preli	minary Amendment
	[ ]	New ar	rguments
	[ ]	New ev	vidence in support of patentability

(Request for Continued Examination (RCE))--page 2 of 6)

1	1	l Other	٠.
		i Other	ι.

## FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

[ ] Small entity (and status is still as small entity)

\$ 370.00

[X] Other than a small entity

\$740.00

Continued Prosecution Request Fee

\$740.00

#### FEE FOR CLAIMS

NOTE: "The fee for continued examination under Section 1.114 (Section 1.17(e)) does not include additional claims fee (cf. 1.53 (d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

37 C.F.R. 1.53(d)(3): "The filing fee for a continued prosecution application filed under this paragraph is:

- (i) The basic filing fee as set forth in Section 1.16; and
- (ii) Any additional Section 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under Section 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."
- 5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3).	SMALL ENT	ITY	SM	OTHER T	
	Claims						<u> </u>	III DE ELVIT	
	Remainin After Amendme		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee
Total	17	Minus	**	=	x \$9 =	\$		x \$18 =	\$
Indep.	2	Minus	***	=	x \$42 =	\$		x \$84 =	\$
Firs	t Presentati	on of Mu	ltiple Depende	nt Claim	+ \$140 =	\$		+ \$280 =	\$
			Total Addit. Fee		\$	OR	Total Addit . Fee	\$	

ARNING	<b>G</b> :	See 37	C.F.R. Section 1.116.		
			(complete (c) or (d), as a	applicable)	
(	(c)	[X]	No additional fee is required.		
			OR		
(	(d)	[ ]	Total additional fee required is \$		
			EXTENSION OF	ГІМЕ	
		(If an	extension of time is appropriate comp	olete (a) or (b),	, as applicable)
The r		adinas h			of 27 C.E.D. Soction 1 126(a)
-	proce	eumgs n	erein are for a patent application, and	the provisions	of 57 C.F.R. Section 1.130(a)
oly.	proce	edings ii	Applicant petitions for an extension C.F.R. Section 1.17(a)(1)-(4), for the	of time, the fe	ees for which are set out in 37
oly.	(a) Exte	[]	Applicant petitions for an extension C.F.R. Section 1.17(a)(1)-(4), for the	n of time, the force total number	ees for which are set out in 37 r of months checked below: Fee for
oly.	(a) Exte	[ ]	Applicant petitions for an extension C.F.R. Section 1.17(a)(1)-(4), for the	n of time, the force total number	ees for which are set out in 37 r of months checked below:
ly.	(a) Exte _(m	[]	Applicant petitions for an extension C.F.R. Section 1.17(a)(1)-(4), for the Fee for oth small entity	n of time, the force total number	ees for which are set out in 37 r of months checked below: Fee for
ly.	Exte _(m     or	[ ] nsion fo onths)	Applicant petitions for an extension C.F.R. Section 1.17(a)(1)-(4), for the Fee for othe small entity \$55	n of time, the force total number	ees for which are set out in 37 r of months checked below:  Fee for _small_entity
ly.	Exte(m [	nsion fo onths) ne month vo montheree mon	Applicant petitions for an extension C.F.R. Section 1.17(a)(1)-(4), for the Fee for oth small entity \$55 as \$200 ths \$460	n of time, the force total number	ees for which are set out in 37 r of months checked below:  Fee for  small entity  \$ 110 \$ 400 \$ 920
oly.	Exte(m [	nsion foonths)ne month	Applicant petitions for an extension C.F.R. Section 1.17(a)(1)-(4), for the Fee for oth small entity \$55 as \$200 ths \$460	n of time, the force total number	ees for which are set out in 37 r of months checked below:  Fee for _small entity  \$ 110   \$ 400
oly.	Exte(m [	nsion fo onths) ne month vo montheree mon	Applicant petitions for an extension C.F.R. Section 1.17(a)(1)-(4), for the Fee for oth small entity \$55 as \$200 ths \$460	n of time, the force total number	ees for which are set out in 37 r of months checked below:  Fee for  small entity  \$ 110 \$ 400 \$ 920
oly. (	Exte (m [ ] or [ ] tv [ ] th [ ] fc	nsion fo onths) ne month vo month aree month our mont	Applicant petitions for an extension C.F.R. Section 1.17(a)(1)-(4), for the Fee for oth small entity \$55 as \$200 ths \$460	n of time, the force total numbers of the force of the fo	r of months checked below:  Fee for small entity  \$ 110   \$ 400   \$ 920   \$1,960   \$
oly. (	Exte (m [ ] or [ ] tv [ ] th [ ] fc	nsion fo onths) ne month vo month aree month our mont	Applicant petitions for an extension C.F.R. Section 1.17(a)(1)-(4), for the Fee for oth small entity  \$ 55 as \$ 200 ths \$ 460 hs \$ 980	Fee consider this	r of months checked below:  Fee for  small entity  \$ 110 \$ 400 \$ 920 \$ 1,960  \$ a petition therefor.
ply. (	Exte (m [ ] or [ ] tv [ ] th [ ] fc	nsion fo onths) ne month vo month aree month our mont	Applicant petitions for an extension C.F.R. Section 1.17(a)(1)-(4), for the Fee for oth small entity  \$ 55 as \$ \$ 200 ths \$ \$ 460 hs \$ \$ 980  I extension of time is required, please	Fee consider this em, if applicate a liready bee	r of months checked below:  Fee for small entity  \$ 110 \$ 400 \$ 920 \$ 1,960  \$ a petition therefor.  Sole)  en secured, and the fee paid

If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,

(b) [X] Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

# TOTAL FEE(S) DUE

WARNING:		The fee for continued examination under Section 1.114 may not be deferred, 37 C.F.R. Section 1.53(f).						
7. TI	ne total f	ee(s) due is/are:						
	Contir	nued Prosecution Fee (Section 1.17(e))		\$ 740.00				
	Fee(s)	for additional claims (if any) (Section 1.	16(b)-(d))	\$				
	Extens	sion of time fee (if any) (Section 1.17(a)(	Section 1.17(a)(1)-(4))					
			Total Fee(s) Due:	\$ 740.00				
		PAYMENT OF I	FEE(S) DUE					
8. Pl	ease pay	the fee(s) for this continued examination	application as foll	ows:				
	[ ]	Check is attached for the sum of	\$					
	[X]	Charge Account 05-0275 the sum of	\$	740.00				
	[ ]	Charge Credit Card the sum of (Credit Card Payment Form (PTO-2038)	· ·					
Sectio		charge any required additional fee(s) for (1)-(4) to	Section 1.17(e), So	ection 1.16(b)-(d) and/or				
	[ ]	Account						
	[ ]	Credit Card (Credit Card Payment Form	n (PTO-2038) attac	hed.)				

### **INVENTORSHIP**

NOTE: Any change of inventors must be via the procedure set forth in 37 C.F.R. Section 1.48. See Notice of March 10, 2000. 65 Fed Reg 14865, at 14868.

9. This application as amended names as inventors:

	the same inventors as previously	designated for the claims.			
[ ] fewer than the inventors previously designated and a statement accompanies to for the deletion of the name or names of the person or persons who are not invention now being claimed.					
[ ]	a person not named previously a is/has separately: [ ] being filed [ ] been filed	s an inventor and a petition under 37 C.F.R. Section 1.48			
		Signature of practitioner			
Reg. No.: 32,	654	DANIEL S. KALKA (type or print name of practitioner)			
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